

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 531

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING TITLE 19 OF THE BURIEN MUNICIPAL CODE RELATED TO ZONING; ESTABLISHING AN OPTIONAL FEE-IN-LIEU OF PARKING PROGRAM FOR PARKING RELATED IMPROVEMENTS IN DOWNTOWN BURIEN; SETTING FORTH POLICIES AND PROVISIONS FOR ADMINISTRATION OF THE PROGRAM; ESTABLISHING A PARKING CAPITAL FUND; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Burien Comprehensive plan encourages sustainable development in the Downtown Commercial and Old Burien zones “by: ...enhancing the downtown area, including reusing existing structures, facilities, and infrastructure and modifying them according to our current needs and technology; and · balancing community needs for capital facilities and services with the ability to finance them...”; and

WHEREAS, The Comprehensive Plan policies “promote new commercial development and residential development in the downtown area and encourage the type of development that will make downtown an attractive and vibrant place to work, shop, live and recreate. The plan envisions a downtown with the types of activities and uses that will enhance the distinctiveness and vitality of downtown while preserving its small town character. Special attention will be given to the scale and design of buildings to achieve this vision. An important part of these policies is promoting economic development in the downtown by encouraging mixed-use development. Pedestrian activity and transit access is also encouraged and emphasized in these areas”; and

WHEREAS, the Burien Comprehensive Plan also contains Goal TR-9 Parking which outlines Objectives and Policies related to establishing coordinated parking strategies that achieve the City’s overall goals for economic activity, transportation and circulation, existing and future land use and downtown design; and

WHEREAS, the Burien Comprehensive Plan directs that the downtown area “evolve over time from a sprawling, inefficient, auto-oriented, moderate quality suburban shopping area to a dense, distinctive, pedestrian-friendly, transit supportive, high-quality multiple-use urban center”; and

WHEREAS, it is sometimes difficult in the downtown area to provide the required parking, urban density and pedestrian friendly, transit-supportive design on the same piece of property; and

WHEREAS, Burien Municipal Code Chapter 19.20.030.2 currently requires a parking plan based on parking demand for all new commercial development in the DC (Downtown Commercial) and SPA-1 (Old Burien) Zones to establish the minimum number of on-site

parking spaces for the development, in accordance with BMC 19.47 Downtown Design Standards; and

WHEREAS, in general, it is recognized that constructing on-site parking improvements is preferred to payments in lieu of construction, in certain instances, it may be in the best interest of the community to accept payments in lieu of construction to provide for parking improvements that will help maintain or assist in redevelopment of the DC and SPA-1 zones into a compact urban form; and

WHEREAS, the purpose for establishment of a Fee-in-Lieu of parking program is to support redevelopment of downtown Burien into a vibrant, pedestrian friendly, and transit supportive urban form, while supporting economic development through avoidance of negative impacts related to development of on-site parking and through creation of a funding source for provision of additional publicly available parking; and

WHEREAS, the Fee-in- Lieu Program would allow development in the DC and SPA-1 zones, under some circumstances, to pay a fee for each parking space that otherwise would have been required, rather than construct the parking space; and

WHEREAS, optional Fee-in-Lieu programs with a fixed fee per stall, indexed to approximately 70 percent of the cost of developing parking stalls has been found to be a successful approach in other cities; and

WHEREAS, the fund into which the fee is paid would be reserved for future provision of publicly accessible parking spaces in the DC and SPA-1 zones or for other uses determined by the City Council to reduce the demand for parking in the DC and SPA-1 zones; and

WHEREAS, the Burien Business and Economic Development Partnership (BEDP) discussed the proposed program and amendments at their August 14, 2009 meeting; and

WHEREAS, the Planning Commission held three public meetings on July 28, 2009, August 25, 2009 and December 8, 2009, to discuss the proposed amendments; and

WHEREAS, the Planning Commission held a public hearing on December 15, 2009 to receive citizens' comments on the proposed amendments; and

WHEREAS, the City Council has received recommendations from the Planning Commission regarding the proposed amendments; and

WHEREAS, the City Council held a public meetings on January 4, 2010 and January 11, 2010 to review and discuss the proposed program and amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Fee-in-Lieu of Parking Program Established. The City Council of Burien hereby establishes a Fee-in-Lieu of Parking program with the objective of furthering implementation of the City of Burien Comprehensive Plan policies and amends Title 19, as shown on Exhibit A incorporated by reference as if fully set forth herein.

Section 2. Per Space Fee and Payment. The per-parking space fee for this program shall be uniform throughout the DC and SPA-1 zones and initially set to recover approximately 70 percent to 80 percent of the City's cost for developing a surface parking stall, based on City of Burien cost data. As the downtown develops into a more dense urban environment, the City may choose to increase the fee to more closely reflect the full cost of developing structured parking. The fee associated with this Fee-in-Lieu Program is established as of the effective date of this ordinance to be \$7,000 for each parking space the City grants the developer an option not to construct. The fee shall be adjusted annually, based on changes in the State of Washington Department of Transportation's Construction Cost Index. The actual in-lieu of parking fee amount to be paid shall be the current fee at the time of payment. The Fee-in-Lieu Parking Program fee shall be paid in full to the City, prior to the issuance of building permits for the building or the portion of the building thereof associated with the fees.

Section 3. Parking Capital Fund Established. A parking capital fund shall be established, and revenue from the Fee-in-Lieu payments shall be deposited into said fund. Fee-in-Lieu Parking Program fees and all the interest earnings on those fees shall be limited in use to provision of publicly accessible parking or other expenditures reasonably anticipated to reduce parking demand in the DC and SPA-1 zones. Other funds deemed by the City Council as appropriate for parking capital development, long term leasing, or for use in satisfying the terms of a public private partnership agreement to develop parking facilities or for other expenditures reasonably anticipated to reduce parking demand in the DC and SPA-1 zones may be deposited to said parking capital fund. The parking capital fund will be managed by the Finance Department.

Section 4. Project Implementation. City projects funded in association with the Fee-in-Lieu Parking Program may be implemented either by the construction of publicly accessible parking spaces or for other qualifying uses through the City's Capital Improvement Program or by disbursement of funds to a developer constructing publicly accessible parking improvements in accordance with a public-private partnership agreement. Parking capital funds may also be used to convert existing private parking spaces to publicly accessible parking spaces through the purchase or long term lease of underutilized private parking spaces, or for other activities to reduce the demand for parking in the DC and SPA-1 Zones. Planning for parking capital improvement projects funded by Fee-in-Lieu of Parking Program fees will be initiated at the discretion of the City Manager, contingent upon budget approval by the City Council. It should be recognized that to provide for a logical and cost effective construction of parking improvements, projects funded by Fee-in-Lieu Parking Program fees may be phased and may be

constructed such that the parking spaces do not directly serve the parcels from which the fee was collected.

Section 5. Program Review. The fee-amount and performance of the Fee-in-Lieu program shall be reviewed biennially, with the initial report made to the City Council beginning in January of the second full calendar year following the effective date of this ordinance.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11TH DAY OF JANUARY, 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 11TH DAY OF JANUARY, 2010.

CITY OF BURIEN

/s/ Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Christopher Bacha, Interim, City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: January 11, 2010

Passed by the City Council: January 11, 2010

Ordinance No. 531

Date of Publication: January 14, 2010

EXHIBIT A
AMENDED SECTIONS OF TITLE 19
RELATING TO FEE-IN-LIEU OF PARKING PROGRAM
IMPLEMENTATION

19.10 Definitions

19.10.005	User Guide.	19.10.084	Critical aquifer recharge areas
19.10.010	Accessory	19.10.085	Critical areas
19.10.012	Accessory living quarters	19.10.090	Critical facility
19.10.015	Adjoining	19.10.095	Cultural facility
19.10.017	Adult entertainment facilities	19.10.100	Day care center
19.10.018	Airplane unit load device	19.10.105	Day care operation
19.10.019	Alley	19.10.107	Deciduous
19.10.020	Alteration	19.10.108	Deck
19.10.025	Amusement arcade	19.10.110	Director
19.10.026	Animal, small	19.10.111	Ditches
19.10.027	Antenna	19.10.112	Domestic fowl
19.10.030	Applicant	19.10.115	Dwelling unit
19.10.031	Aquifer	19.10.120	Dwelling unit, accessory
19.10.032	Architectural scale	19.10.123	Dwelling unit, apartment
19.10.035	Arterial street	19.10.124	Dwelling unit, primary
19.10.036	Articulation	19.10.125	Dwelling unit, townhouse
19.10.037	Artwork	19.10.130	Dwelling unit, senior citizen assisted
19.10.038	Balcony		
19.10.038.2	Base flood	19.10.135	Dwelling unit, single detached
19.10.038.3	Base flood elevation		
19.10.038.5	Bed and breakfast establishment	19.10.140	Eating and drinking establishment
19.10.038.6	Beehive	19.10.141	Endangered Species Act
19.10.038.7	Best available science	19.10.142	Enhancement
19.10.038.8	Best management practices (BMPs)	19.10.143	Equipment enclosure
19.10.039	Blank walls	19.10.144	Equipment, heavy
19.10.040	Buffer	19.10.145	Erosion
19.10.045	Building	19.10.150	Erosion hazard areas
19.10.050	Building coverage	19.10.155	Essential public facility
19.10.051	Building Modulation	19.10.157	Evergreen
19.10.052	Camouflaged	19.10.158	FAA
19.10.054	Cargo container	19.10.159	Facade
19.10.055	Cemetery	19.10.160	Family
19.10.056	Class A pedestrian-oriented street	19.10.165	Family day care home I
19.10.057	Class B pedestrian-oriented street	19.10.170	Family day care home II
19.10.058	Collocation	19.10.173	FCC
19.10.060	Community facility	19.10.174	Federal Emergency Management Agency (FEMA) floodway
19.10.065	Community residential facility	<u>19.10.174.2</u>	<u>Fee-In-Lieu</u>
19.10.067	Compensatory mitigation	19.10.175	Fence
19.10.068	Confinement area	19.10.177	Fish Habitat
19.10.070	Construction code	19.10.179.1	Flood fringe
19.10.073	Continuing use	19.10.179.2	Flood hazard areas
19.10.075	Convenience auto service	19.10.179.3	Flood Insurance Rate Map
19.10.080	Convenience retail	19.10.179.4	Flood Insurance Study for King County
19.10.081	Cornice	19.10.179.5	Flood protection elevation
19.10.083	Courtyard	19.10.179.6	Floodplain
		19.10.179.7	Floodproofing

19.10.174.2 Fee-In-Lieu -- The *Fee-in-Lieu* program allows commercial development in certain zones, under some circumstances, to pay a fee for each parking space that otherwise would have been required, rather than construct the parking space.

19.10.175 Fence - A barrier for the purpose of enclosing space or separating *lots*, composed of:

1. Masonry or concrete walls, excluding retaining walls; or
2. Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh.

19.10.177 Fish Habitat -- Habitat that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by restoration or management and includes off-channel habitat. [Ord. 394 § 1, 2003]

19.10.179.1 Flood fringe -- That portion of the *floodplain* outside of the *zero-rise floodway* which is covered by floodwaters during the *base flood*, generally associated with standing water rather than rapidly flowing water. [Ord. 394 § 1, 2003]

19.10.179.2 Flood hazard areas -- Those areas subject to inundation by the *base flood* including, but not limited to, *streams*, lakes, *wetlands* and closed depressions. [Ord. 394 § 1, 2003]

19.10.179.3 Flood Insurance Rate Map -- The official map on which the Federal Insurance Administration has delineated some areas of flood hazard. [Ord. 394 § 1, 2003]

19.10.179.4 Flood Insurance Study for King County -- The official report provided by the Federal Insurance Administration which includes flood profiles and the *Flood Insurance Rate Map*. [Ord. 394 § 1, 2003]

19.10.179.5 Flood protection elevation -- An elevation which is one foot above the *base flood elevation*. [Ord. 394 § 1, 2003]

19.10.179.6 Floodplain -- The total area subject to inundation by the *base flood*. [Ord. 394 § 1, 2003]

19.10.179.7 Floodproofing -- Adaptations which will make a *structure* that is below the *flood protection elevation* substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy. [Ord. 394 § 1, 2003]

19.10.179.8 Floodway, zero-rise -- The channel of a *stream* and that portion of the adjoining *floodplain* which is necessary to contain and discharge the *base flood* flow without any measurable increase in flood height. A measurable increase in *base flood* height means a calculated upward rise in the *base flood elevation*, equal to or greater than .01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the *floodplain*. This definition is broader than that of the *FEMA floodway*, but always includes the *FEMA floodway*. The boundaries of the 100-year *floodplain*, as shown on the *Flood Insurance Study for King County*, are considered the boundaries of the zero-rise floodway unless otherwise delineated by a *critical area* study. [Ord. 394 § 1, 2003]

19.10.180 Footprint -- The exterior outline of a *structure* where it meets the earth.

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
<div>DC Zone</div> <div>USE ↓</div>	REGULATIONS ↓	Special Review Process (See Ch. 19.65)	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.025.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
			Lot Area	SETBACKS		Lot Coverage					Building Height
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.025.2 <i>Mixed Use</i>	None	None	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	E	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000] See Sec. 19.20.040.3.B	1. Must have at least two <i>uses</i> listed in Sec. 19.15.025. 2. At least 75% of the <i>gross floor area</i> located at <i>street</i> level must be devoted to non-residential <i>uses</i> . 3. The following are not permitted: motor vehicle sales and rental; boat sales and rental; <i>recycling center</i> ; pawn shops and <i>self-service storage facility</i> .	
19.15.025.3 <i>Retail</i>	None	None	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	E	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000] See Sec. 19.20.040.3.B	1. The following are not permitted: motor vehicle sales and rental; boat sales and rental; <i>recycling center</i> ; pawn shops and <i>self-service storage facility</i> . 2. Repair uses are permitted subject to the following conditions: a) All activities shall be conducted indoors; and b) Patrons wishing services must be able to carry item(s) in by hand (examples include watch, shoe, jewelry and small hand tool repair); and c) The Director has the final determination on what constitutes small-scale repair uses consistent with the purpose and intent of the zone and all applicable comprehensive plan policies. [Ord. 484 § 1, 2008]	
19.15.025.4 <i>Dwelling Units</i>	None	None	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	E	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Not permitted at <i>street</i> level abutting a <i>Class A Pedestrian-Oriented Street</i> . 2. All resident parking must be in structured parking (such as garages or <i>under-building</i> or underground parking). Carports are not considered structured parking. 3. Exterior hallways and corridors are not allowed.	

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS										
<div>DC Zone</div> <div>USE ↓</div>	REGULATIONS ↓	Special Review Process (See Ch. 19.65)	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.025.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
			Lot Area	SETBACKS		Lot Coverage				
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage			
19.15.025.5 <i>Community Facility</i> <i>Cultural Facility</i> <i>Eating and Drinking Establishment</i> <i>Government Facility</i> <i>Lodging Facility</i> <i>Office</i> <i>Private Club</i> <i>Public Park and Recreation Facilities</i> <i>Recreational Facility</i> <i>School</i> <i>Theater</i>	None	None	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	E	See Sec. 19.20.030, 2 (Ord. 292 § 6, 2000) See Sec. 19.20.040. 3.B	1. Auto rental is permitted as an <i>accessory use</i> to a <i>lodging facility</i> . The maximum number of cars allowed is the lesser of 30 cars or 5% of the total number of parking spaces on the <i>site</i> . The rental desk must be inside the <i>lodging facility building</i> . 2. Repair uses are permitted subject to the following conditions: a) All activities shall be conducted indoors; and b) Patrons wishing services must be able to carry item(s) in by hand (examples include watch, shoe, jewelry and small hand tool repair); and c) The Director has the final determination on what constitutes small-scale repair uses consistent with the purpose and intent of the zone and all applicable comprehensive plan policies. [Ord. 484 § 1, 2008]
19.15.025.6 <i>Family Day Care Home I and II</i>	None	See Special Regulation 1								1. Must comply with requirements of the <i>primary use</i> . 2. <i>Family Day Care Home II</i> : Must provide State certification of safe passenger loading area. 3. Use of the <i>Fee-In-Lieu of Parking Program in BMC 19.20.040.3.B is an option for this use.</i>
19.15.025.7 <i>Day Care Center</i>	None	None	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	E	See Sec. 19.20.030, 2 (Ord. 292 § 6, 2000) See Sec. 19.20.040. 3.B	1. Must provide State certification of safe passenger loading area.

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
<div>DC Zone</div> USE ↓	REGULATIONS ↓	Special Review Process (See Ch. 19.65)	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.025.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
			Lot Area	SETBACKS		Lot Coverage					Building Height
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.025.8 <i>Religious Facility</i> [Ord. 479 § 1, 2007]	None	None.	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	E	See Sec. 19.20.030. 2 [Ord. 292 § 6, 2000] See Sec. 19.20.040. 3.B		
19.15.025.9 <i>Public Utility</i>	Type 1	None	0'	0'	85%	95%	35 feet	E	See Sec. 19.20.030. 2 [Ord. 292 § 6, 2000] See Sec. 19.20.040. 3.B	1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts.	
19.15.025.10 <i>Essential Public Facility</i>	Type 3									1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts. 2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.	
19.15.025.11 <i>Personal Wireless Service Facility</i>	See Chapter 19.50										

Note: All landscape categories added by Ord. 293, 2000

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS										
<div>SPA-1: Old Burien</div> <div>USE ↓</div>	REGULATIONS ↓	Special Review Process (See Ch. 19.65)	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.055.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
			Lot Area	SETBACKS	Lot Coverage		Building Height			
				Front Setback	Interior Setback	Building Coverage				
19.15.055.2 <i>Retail</i> <i>Office</i> <i>Recreational Facility</i>	None	None	0'	0'	85%	85%	3 stories	E	See Sec. 19.20.030. 2 (Ord. 523 § 1, 2009) See Sec. 19.20.040. 3.B	1. The following are not permitted: motor vehicle sales and rental; boat sales and rental; <i>recycling center</i> ; and <i>self-service storage facility</i> . 2. For <i>retail use</i> , maximum <i>gross floor area</i> per building is 25,000 s.f. Up to 30,000 s.f. may be approved through a Type 1 review process. 3. Distribution, wholesaling, repair or manufacturing that support the <i>primary use</i> are allowed as an <i>accessory use</i> . 4. An <i>amusement arcade</i> is allowed as an <i>accessory use</i> .
19.15.055.3 <i>Eating and Drinking Establishment</i>	None	None	0'	0'	85%	85%	2 stories	E	See Sec. 19.20.030. 2 (Ord. 523 § 1, 2009) See Sec. 19.20.040. 3.B	1. Distribution, wholesaling or manufacturing that support the <i>primary use</i> are allowed as an <i>accessory use</i> . 2. An <i>amusement arcade</i> is allowed as an <i>accessory use</i> .
19.15.055.4 <i>Lodging Facility</i> <i>Cultural Facility</i> <i>Community Facility</i> <i>School</i>	Type 1	None	0'	0'	85%	85%	4 stories	E	See Sec. 19.20.030. 2 (Ord. 292 § 6, 2000) See Sec. 19.20.040. 3.B	
19.15.055.5 <i>Family Day Care Home I and II</i>	None	See Special Regulation 1							1. Must comply with requirements of the <i>primary use</i> . 2. <i>Family Day Care Home II</i> : Must provide State certification of safe passenger loading area. 3. Use of the <i>Fee-In-Lieu</i> of Parking Program in BMC 19.20.040.3.B is an option for this use.	

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
<div>SPA-1: Old Burien</div> <div>USE ↓</div>	↓REGULATIONS	Special Review Process (See Ch. 19.65)	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.055.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
			Lot Area	SETBACKS		Lot Coverage					Building Height
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.055.6 <i>Day Care Center</i>	None	None	0'	0'	85%	85%	2 stories	E	See Sec. 19.20.030, 2 [Ord. 292 § 6, 2000] <u>See Sec. 19.20.040, 3.B</u>	1. Must provide State certification of safe passenger loading area.	
19.15.055.7 <i>Mixed Use</i>	Type 1	None	0'	0'	85%	85%	3 stories	E	See Sec. 19.20.030, 2 [Ord. 292 § 6, 2000] <u>See Sec. 19.20.040, 3.B</u>	1. Maximum residential density is 24 <i>dwelling units</i> per acre. 2. Shall provide <i>retail</i> and/or <i>eating and drinking establishment uses</i> on the floor adjacent to a <i>street</i> , or if the <i>site</i> does not abut a <i>street</i> , on floor adjacent to parking lot. 3. At least 25% of the <i>gross floor area</i> must be designed and used for <i>retail, office</i> and/or <i>eating and drinking establishment uses</i> .	
19.15.055.8 <i>Public Park and Recreation Facilities</i>	Type 1	None. See Spec. Reg. 1	0'	0'	80%	85%	3 stories	E	See Sec. 19.20.030, 2 [Ord. 292 § 6, 2000] <u>See Sec. 19.20.040, 3.B</u>	1. Lighting for <i>structures</i> and <i>fields</i> shall be directed away from residential areas.	
19.15.055.9 <i>Government Facility</i> <i>Private Club</i> <i>Religious Facility</i>	Type 1	None	0'	0'	80%	85%	3 stories	E	See Sec. 19.20.030, 2 [Ord. 292 § 6, 2000] <u>See Sec. 19.20.040, 3.B</u>		

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
<div>SPA-1: Old Burien</div> <div>USE ↓</div>	REGULATIONS ↓	Special Review Process (See Ch. 19.65)	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.055.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
			Lot Area	SETBACKS		Lot Coverage					Building Height
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.055.10 Public Utility	Type 1	None	20'	30'	80%	85%	3 stories	E	See Sec. 19.20.030. 2 (Ord. 292 § 6, 2000) <u>See Sec. 19.20.040. 3.B</u>	1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts.	
19.15.055.11 Essential Public Facility	Type 3	Development standards shall be determined on a case-by-case basis through the Type 3 review process.								1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts. 2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.	
19.15.055.12 Personal Wireless Service Facility	See Chapter 19.50										

Note: All landscape categories added by Ord. 293, 2000

19.20 Parking and Circulation

19.20.010	User guide.
19.20.020	Purpose.
19.20.030	General requirements.
19.20.040	Computation of required off-street parking spaces.
19.20.050	Shared parking and access requirements.
19.20.060	Loading space requirements.
19.20.070	Stacking spaces for drive-through facilities.
19.20.080	Commute trip reduction.
19.20.090	Pedestrian circulation and access.
19.20.100	Off-street parking plan design standards.
19.20.110	Off-street parking construction standards.
19.20.120	Internal circulation road standards.
19.20.130	Maintenance.

19.20.010 User Guide

This Chapter contains information on vehicle and pedestrian circulation area, parking areas and related improvements. Information on the number of *parking spaces* required for a particular *use* can be found in the use zone charts, BMC 19.15. However, this Chapter does provide a process for determining the case-by-case parking requirement for some *uses*. It also contains a process for increasing or decreasing the parking requirements of this Code, and a process for reducing/meeting the minimum off-street parking requirement through contribution to a parking *Fee-in-Lieu* program for commercial *uses* in certain land use zones. Finally, this Chapter contains requirements regarding the location and minimum dimensions of parking areas and other vehicular and pedestrian circulation areas. For regulations regarding vehicles parked on residential property, see Chapter 10.11 BMC. [Ord. 492 § 2, 2008, Ord. 292 § 1, 2000]

19.20.020 Purpose

The purpose of this chapter is to provide adequate parking for all *uses* allowed in this Code; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles; and to increase pedestrian mobility by:

1. Setting minimum off-street parking standards for different land *uses* that assure safe, convenient and adequately sized parking facilities;
2. Providing incentives to rideshare through preferred parking arrangements;
3. Providing for parking and storage of bicycles;
4. Providing safe direct pedestrian access from public *rights-of-way* to *structures* and between developments; ~~and~~
5. Requiring *uses* which attract large numbers of employees or customers to provide transit stops; ~~and~~
6. Providing for payment of a *Fee-in-Lieu* of providing off-street parking as otherwise required by BMC 19.20 for commercial uses in the DC and SPA-1 zones.

[Ord. 292 § 1, 2000]

19.20.030 General requirements

1. **Parking Plan Required.** Prior to issuance of any permits for a new *building, structure* or *use*, or for the enlargement of an existing *building, structure* or *use* that requires off-street parking, the *applicant* shall submit a parking plan for approval by the *Director*. This plan shall contain all design features and elements necessary to show compliance with this Chapter.
2. **Parking Requirement Not Specified.** If this Code does not specify a parking requirement for a *use*, the *Director* shall establish the minimum requirement based on a study of anticipated parking demand. In the study the *applicant* shall provide sufficient information to demonstrate that the parking demand for a specific *use* will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, unless an equally qualified individual is authorized by the *Director*.
3. **Fee-in-Lieu Option.** The minimum number of stalls to be provided through payment of a *Fee-in-Lieu* of parking as allowed by this Chapter shall be based on a schedule derived from Institute of Transportation Engineers (ITE) standard parking rates for Land Uses, as adjusted periodically to reflect Downtown Burien parking usage. This schedule may be amended as needed by the City Council.
 - A. The decision to allow or require payment in lieu of construction will be made by the decision maker of the underlying land use review or by the Director if a land use review is not required.
 - B. Provision of required parking through the *Fee-in-Lieu* program shall be optional on the part of the applicant and City, except that *Fee-in-Lieu* payment shall be required for existing buildings with a change of use that requires parking in excess of that available on-site or through a shared parking agreement.
 - C. Per Space Fee. The per space parking fee for this program shall be uniform throughout the DC and SPA-1 zones. The fee shall be adjusted annually, based on changes in the State of Washington Department of Transportation's Construction cost Index.
 - D. Fee Payment. All applicants shall pay the *Fee-in-Lieu* Parking Program fee in accordance with provisions of this chapter at the time that the applicable building permit or certificate of occupancy when a building permit is not required is ready for issuance. The actual *Fee-in-Lieu* payment shall be based upon the schedule in effect at the time of permit issuance.
 - E. Accounting. The City shall maintain a record of all of the properties that have met their required parking space obligation by paying the appropriate fee for the spaces.
 - F. Future Obligation. Payment of the *Fee-in-Lieu* of parking shall not relieve the development or property owner from any future obligation to participate financially in construction of publically accessible parking spaces through additional funding mechanisms (e.g. a local improvement district, business improvement district). Payment of the *Fee-in-Lieu* of parking does not guarantee the developer or property owner that parking spaces will be constructed for the sole use of or in the immediate proximity of that development.
 - G. Program Review. The fee-amount and performance of the *Fee-in-Lieu* program shall be reviewed biennially, with the initial report made to the City Council beginning in January of the second full calendar year following the effective date of the implementing ordinance.

34. If the *site* is in the DC zone, the requirements contained in BMC 19.47 supersede any conflicting provisions of this Chapter. The provisions of this Chapter that do not conflict with BMC 19.47 apply to DC-zoned properties.
45. Except as permitted with a temporary use permit pursuant to BMC 18.80, required *parking spaces* shall be available for the parking of operable passenger motor vehicles of customers, patrons, employees and residents only and shall not be used for any other purpose. [Ord. 292 § 1, 2000]

19.20.040 Computation of required off-street parking spaces

1. Number of Parking Spaces. Off-street parking areas shall contain at a minimum the number of *parking spaces* as stipulated in BMC 19.15. If the formula for determining the number of off-street *parking spaces* results in a fraction, the number of off-street *parking spaces* shall be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down. In the case of two or more *uses* on the same *site*, the total requirements for off-street parking shall be the sum of the requirements for each *use* computed separately, except as permitted in BMC 19.20.050 pertaining to shared parking. [Ord. 313 §1, 2000]
2. Guest Parking. For *townhouse* or *apartment dwelling units*, the *Director* may require additional *parking spaces* for guests if there is inadequate guest parking proposed on the *site*, and
 - A. Adequate, safe on-street parking is not available, or
 - B. The on-street parking is located in or adjacent to an RS zone.
3. Modification of Number of Required Parking Spaces.
 - A. An *applicant* may request a modification of the minimum required number of *parking spaces* by submitting a study of anticipated parking demand complying with BMC 19.20.030.2, proving that parking demand can be met with a reduced parking requirement. In such cases, the *Director* may approve a reduction of the minimum required number of *parking spaces* on a case-by-case basis.
 - B. In the DC and SPA-1 zone, the *applicant* may meet his/her parking obligation, ~~computed using BMC 19.15, in either one of the following ways, or a combination thereof:~~
 - i. By providing the required number of *parking spaces* in accordance with this Chapter the Fee-in-Lieu of Parking Demand Rate Schedule for Downtown Burien Zones as shown on Table 19.20-2.
 - ii. ~~With the consent of the *Director*, the *applicant* may provide, or pay the per space cost of providing the additional *parking spaces* in a municipal parking facility within the DC, SPA-3 or CR zones. The cost per *parking space* shall be established by the City Council.~~
 - ii. By performing a study of anticipated parking demand in accordance with BMC 19.20.030.2. Fee-in-Lieu of parking is not available if required parking is determined through a parking demand study.
 - iii. In accordance with BMC 19.20.030.3, the applicant may meet a portion of his/her parking obligation through contribution to a parking Fee-in-Lieu program. The cost per

parking space for the parking Fee-in-Lieu program shall be established by the City Council.

4. Parking for Shell Building Permits. When the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or *uses* authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible *uses* result in different parking requirements, the *Director* will establish the amount of parking based on a likely range of *uses*. The *Director* may deny a certificate of occupancy for an individual *use* if the number of *parking spaces* required by BMC 19.15 and this chapter are not provided.
5. Bicycle Parking. At least one bicycle parking slot for every 12 required motor vehicle *parking spaces* shall be provided in all non-residential developments. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.
 - A. The *Director* may reduce bicycle parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location;
 - B. Bicycle parking facilities for patrons shall be located within 100 feet of the *building* entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a *structure* attached to the pavement or building.
 - C. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.
6. Handicapped Parking Requirements. Off-street parking and access for physically handicapped persons shall be provided in accordance with the Uniform Building Code, Vol. 1, Chapter 11 Accessibility, also known as the Washington State Regulations for Barrier Free Facilities. [Ord. 292 § 1, 2000]

19.20.050 Shared parking and access requirements.

Shared parking and access between *sites* and between different *uses* is encouraged. To ensure the long-term availability of the shared parking and/or access, a covenant, easement or other contract for shared parking and/or access between the cooperating property owners shall be approved by the *Director*. This document must be recorded with King County records and elections divisions as a deed restriction on both properties and cannot be modified or revoked without the consent of the *Director*. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the *Director* or provide the full amount of required off-street parking for each *use*, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the *Director*. [Ord. 292 § 1, 2000]

19.20.060 Loading space requirements.

1. *Loading spaces* shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public *right-of-way*. All *loading space* areas shall be separated from required parking areas and shall be designated as truck *loading spaces*.
2. Any *loading space* located within 100 feet of an RS or RM zone shall be *screened* and operated to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, berms, walls, or restrictions on the hours of operation. [Ord. 292 § 1, 2000]

19.20.070 Stacking spaces for drive-through facilities.

A drive-through facility shall be designed and located so that sufficient stacking space is provided for handling of motor vehicles using such facility during peak business hours of the facility. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility. Stacking spaces and the entrance and exit for the drive-through facility shall be located to prevent any vehicles from extending onto the public *right-of-way*, or interfering with any pedestrian circulation, traffic maneuvering, or other *parking space* areas. Stacking spaces shall not be counted as required *parking spaces*. [Ord. 292 § 1, 2000]

19.20.080 Commute trip reduction.

All major employers (as defined by state law) shall demonstrate compliance with requirements of local and state laws on commute trip reduction (CTR). [Ord. 292 § 1, 2000]

19.20.090 Pedestrian circulation and access.

1. All *uses*, except *single detached dwelling units*, shall provide pedestrian access onto the *site*. Pedestrian access points shall be provided at all pedestrian arrival points to the development including the property edges, adjacent *lots*, abutting *street* intersections, crosswalks, and at transit stops. Pedestrian access shall be coordinated with existing development to provide circulation patterns between developments.
2. Pedestrian walkways shall form an on-*site* circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-*site* parking and *building* entrances, and between *buildings*.
3. Pedestrian access and walkways shall comply with City of Burien development standards and meet the following minimum design standards:
 - A. Access and walkways shall be well-lit and physically separated from driveways and *parking spaces* by *landscaping*, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic;
 - B. Access and walkways shall be a minimum of 5 feet of unobstructed width and meet City standards for surfacing of walkways or sidewalks;
 - C. Access shall be usable by mobility impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by either grade change, texture or other equivalent means;
 - D. A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles. Raised crosswalks or speed bumps may be required at all points where a walkway crosses the lane of vehicle travel. [Ord. 292 § 1, 2000]

19.20.100 Off-street parking plan design standards.

1. Parking Area Location: Off-*street* parking shall be located on the same *site* as the development served by the parking. The *Director* may approve off-*site* parking for *uses* located in zones other than RS or RM, if:

- A. The *applicant* provides an acceptable alternative plan in the event that the off-site parking does not work, and
 - B. Appropriate legal documents establishing the off-site parking area are submitted for *Director* approval pursuant to BMC 19.20.050, and
 - C. Off-street parking for a *use* must be located in a zone that allows that *use*. For example, off-street parking for a *retail use* is not allowed in an RS zone.
2. Driveway Location, Design and Construction. Access between off-street parking areas and abutting public *streets* shall be designed, located and constructed in accordance with City of Burien development standards.
 3. Dead End Alley Access to Parking. No dead-end alley may provide access to more than eight required off-street *parking spaces*.
 4. Driveways and Parking Areas in *Setbacks*.
 - A. Driveways and parking areas for *single detached dwelling units* and *townhouse* or *apartment dwelling units* with individual garages or carports shall not exceed 20 feet in width in any required *setback*, except if:
 - i. The driveway/parking area serves a 3-car or larger garage; and
 - ii. No more than 15 percent of the required *setback* area is displaced by the driveway.
 - B. Driveways for all other developments may cross required *setbacks* or landscaped areas abutting a public *right-of-way* in order to provide access between the off-street parking areas and the *street*. Maximum width within the *setback* or landscaped area is 12 feet for one-way traffic and 24 feet for two-way traffic. A wider encroachment may be allowed, provided no more than 20 percent of the required *landscaping* or *setback* area is displaced by the driveway.
 5. Minimum Parking Space and Parking Lot Aisle Dimensions. The minimum *parking space* and *parking lot aisle* dimensions for the most common parking angles are shown on Table 19.20-1. For parking angles other than those shown on the chart, the minimum *parking space* and *parking lot aisle* dimensions shall be determined by the *Director*.
 6. Compact Parking Spaces. In any development containing more than 20 *parking spaces*, up to 50 percent of the total number of required *parking spaces* may be sized to accommodate compact cars. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the *parking space* and centered between the striping.
 7. Landscaping Requirements. Parking lots shall be landscaped in accordance with BMC 19.25.070.
 8. Additional Width Abutting Landscaped Area. Any *parking spaces* abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area.

9. Reduction of Parking Space Depth. The *parking space* depth may be reduced up to 18 inches when vehicles overhang a walkway if the remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.
10. Parking for Single Detached Dwelling Units.
 - A. *Dwelling units* may have tandem or end to end *parking spaces* for each *dwelling unit* but shall not combine parking for separate *dwelling units* in tandem parking areas.
 - B. All vehicle parking and storage must be in a garage, carport or on an approved *imperious surface*. Any *imperious surface* used for vehicle parking or storage must have direct and unobstructed driveway access. *Parking spaces* for a *single detached dwelling unit* shall be adequately sized and located to accommodate a standard-sized vehicle without the vehicle extending into the public *right-of-way* or *vehicular access easement or tract*.
11. Vanpool and Carpool Parking Design Standards. Vanpool/carpool parking areas shall meet the following minimum design standards:
 - A. A minimum vertical clearance of 7 feet 3 inches shall be provided to accommodate van vehicles if designated vanpool/carpool *parking spaces* are located in a parking structure; and
 - B. A minimum turning radius of 26 feet 4 inches with a minimum turning diameter (curb to curb) of 52 feet 5 inches shall be provided from *parking lot aisles* to adjacent carpool/vanpool *parking spaces*.
12. Parking Area Lighting. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*, as required by the Uniform Building Code. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The *Director* shall have the authority to waive the requirement to provide lighting. [Ord. 292 § 1, 2000]

19.20.110 Off-street parking construction standards.

1. Surfacing. Off-street parking areas shall have dust-free, all-weather surfacing. Off-street parking areas shall conform to City of Burien development standards.
2. Grading. *Grading* work for access and parking areas shall comply with City of Burien development standards.
3. Drainage. Drainage and erosion/sedimentation control facilities shall be provided in accordance with City of Burien development standards.
4. Parking Space Markings. Asphalt or concrete surfaced parking areas shall have *parking spaces* marked by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops or curbing are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, *right-of-way* or landscaped areas.
5. Curbing. All access and parking areas shall be enclosed with cast in place vertical curbs or functionally equivalent structural barriers. [Ord. 479 § 1, 2007, Ord. 292 § 1, 2000]

19.20.120 Internal circulation road standards.

Internal access roads to off-*street* parking areas shall conform with the surfacing and design requirements for private commercial roads set forth in City of Burien development standards. [Ord. 292 § 1, 2000]

19.20.130 Maintenance.

The property owner shall maintain all off-*street* access and parking areas. Maintenance shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, and repair and maintenance of traffic control devices, *parking space* striping, signs, light standards, *fences*, walls, surfacing materials, curbs, railings and *landscaping*. [Ord. 292 § 1, 2000]

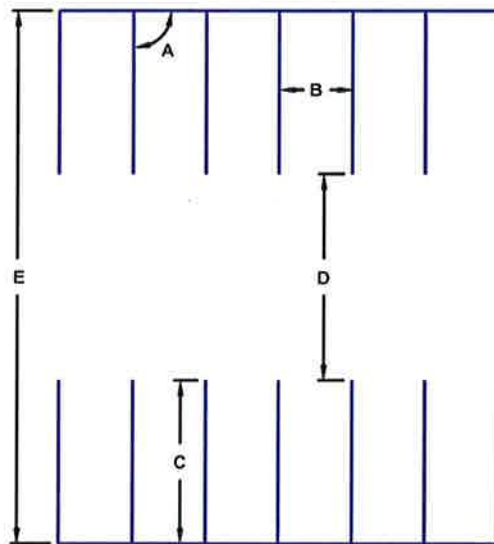
TABLE 19.20-1
MINIMUM PARKING SPACE DIMENSIONS

A Parking Space Angle	B Minimum Parking Space Width	C Minimum Parking Space Length	D Minimum Parking Lot Aisle Width		E Minimum Unit Width	
			1-Way	2-Way	1-Way	2-Way
0	Compact 7.5	18.0	10.0	20.0	25.0	35.0
	Standard 8.5	24.0	12.0	20.0	29.0	37.0
30	Compact 7.5	15.0	10.0	20.0	38.0	48.0
	Standard 8.5	16.5	10.0	20.0	42.0	52.0
45	Compact 7.5	15.0	11.0	20.0	42.82	51.82
	Standard 8.5	19.0	13.0	20.0	51.88	58.88
60	Compact 7.5	15.0	13.0	20.0	46.48	53.48
	Standard 8.5	19.0	17.5	20.0	58.9	61.4
75	Compact 7.5	15.0	16.5	20.0	49.36	52.86
	Standard 8.5	19.0	20.0	20.0	61.1	61.1
90	Compact 7.5	15.0	20.0	20.0	50.0	50.0
	Standard 8.5	19.0	24.0	24.0	62.0	62.0

[Ord. 292 § 1, 2000]

Also see Fig. 19.20-1

Figure 19.20-1



[Ord. 292 § 1, 2000]

TABLE 19.20-2
FEE-IN-LIEU OF PARKING
PARKING RATE DEMAND SCHEDULE FOR DOWNTOWN BURIEN ZONES

LAND USE DESCRIPTION	ITE LAND USE CODE	UNIT VARIABLE	PARKING SUPPLY RATE
Hotel	310	Room	0.80
Business Hotel	312	Room	0.60
Motel	320	Room	0.80
Bowling Alley	437	Lane	2.70
Movie Theater with Matinee	444	Seats	0.20
Health/Fitness Club	492	1,000 sf. GFA	4.50
Athletic Club	493	1,000 sf. GFA	3.30
Church	560	1,000 sf. GFA	0.90
Day Care Center	565	1,000 sf. GFA	2.70
Museum	580	1,000 sf. GFA	0.70
Library	590	1,000 sf. GFA	2.40
Convention Center	595	Attendee	0.30
Office Building	701	1,000 sf. GFA	2.70
Medical-Dental Office Building	720	1,000 sf. GFA	3.10
Government Office Building	730	1,000 sf. GFA	3.20
US Post Office	732	1,000 sf. GFA	2.70
Judicial Complex	735	1,000 sf. GFA	2.70
Free-Standing Discount Store	815	1,000 sf. GFA	3.60
Hardware/Paint Store	816	1,000 sf. GFA	1.80
Shopping Center	820	1,000 sf. GFA	3.50
Tire Store	848	1,000 sf. GFA	2.60
Supermarket	850	1,000 sf. GFA	2.00
Apparel Store	870	1,000 sf. GFA	1.10
Pharmacy/Drugstore without Drive-Through Window	880	1,000 sf. GFA	1.70
Pharmacy/Drugstore with Drive-Through Window	881	1,000 sf. GFA	1.80
Furniture Store	890	1,000 sf. GFA	1.10
Carpet Store	892	1,000 sf. GFA	1.20
Video Rental Store	896	1,000 sf. GFA	2.30
Walk-In Bank	911	1,000 sf. GFA	2.20
Drive-In Bank	912	1,000 sf. GFA	2.30
Fast-Food Restaurant with Drive-Through Window	934	1,000 sf. GFA	9.00
Dry Cleaners	960	1,000 sf. GFA	1.10
Auto Sales/Service	1000	1,000 sf. GFA	3.60
Bar	1001	1,000 sf. GFA	12.40
Convenience/Gas	1002	Pump	1.80
Pool/Billiards, Martial Arts	1003	1,000 sf. GFA	12.40
General Retail	1004	1,000 sf. GFA	2.70
Strip Mall - Commercial	1005	1,000 sf. GFA	2.30
Retail-Associated Night Use	1010	1,000 sf. GFA	2.30
High-Turnover (Sit-Down) Restaurant (No bar or Lounge)	9321	1,000 sf. GFA	5.20
High-Turnover (Sit-Down) Restaurant (Bar or Lounge)	9322	1,000 sf. GFA	12.40
Fast-Food Restaurant without Drive-Through Window (Hamburger)	9331	1,000 sf. GFA	11.60
Fast-Food Restaurant without Drive-Through Window (non-Hamburger)	9332	1,000 sf. GFA	7.70